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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,340	10/08/2003	Hideki Nagata	024060-102	5452

21839 7590 07/27/2005

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EXAMINER

PERKEY, WILLIAM B

ART UNIT PAPER NUMBER

2851

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/680,340	Applicant(s) NAGATA ET AL.	
	Examiner William B. Perkey	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,7,8,10-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-5,7,8,10-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/659,690.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) ☐ Other: ____ |

DETAILED ACTION

1. New grounds of rejection are made below, which were not necessitated by amendments.

Thus, this action is not made final. The previous rejections are withdrawn because there was no teaching of for a camera to have both an optical viewfinder and an electronic viewfinder, as pointed out by applicants in the response filed May 23, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2, 4, 5, 10, 12, 13, 15-18, 20, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (U.S. Patent No. 5,270,767).

Hamada shows a camera in Fig. 3A; a first photo-taking portion as a film chamber behind the shutter 35; a taking lens 3; an optical viewfinder 38,39; a second photo-taking portion is shown in front of the pentaprism 38 having an image sensing device 44 generating continuous images that are displayed on the electronic finder display 63 (see Figs. 2A-2D); and a signal processor CPU 76 shown in Fig. 17. Concerning claims 4 and 12, the control CPU 76 continuously stores the image in storage memory 64 for moving image display, even while the main CPU 1 is controlling the camera to take the film exposure. Column 18 lines 11-18 discloses that whenever, the data is dumped from the image sensor 44 into the image memory 64, it is displayed on the LCD 63.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. in view of Haraguchi et al. (U.S. Patent No. 4,314,747).

Hamada et al. shows a camera in Fig. 3A; an optical viewfinder 38,39; a second CCD 44; a taking lens 3; and a signal processor CPU 1. Continuous images are displayed on LCD 63 shown in Figs. 2A-2D. Hamada et al. shows the claimed invention except for a first CCD that senses a light beam formed by the taking lens. In Fig. 3A, Hamada et al. discloses a focus detection module 36 sensing light from the taking lens 3. Haraguchi et al. in column 1 lines 31-35 teaches that the focus detection module is commonly a CCD. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to implement the focus detection module 36 of Hamada et al. using a CCD in order to obtain the desirable feature of using conventional components.

6. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. in view of Okada (U.S. Patent No. 5,515,104) and acknowledged prior art.

Hamada et al. shows the claimed invention, as explained above, except for a white balance adjuster. Okada teaches a camera having a color sensor in the viewfinder of a film type SLR camera to display the subject in color. Official Notice was taken in a previous Office action that white balance adjusters for image signal processors were well known at the time of

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applicant's invention. Applicants have not challenged this in the response filed July 28, 2004.

Since there has been no timely challenge to the subject matter that was taken Official Notice of, that subject matter is now considered as acknowledged prior art. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to implement the CCD sensor 44 of Hamada et al. as a color sensor with a white balance adjuster in the signal processing circuitry in order to obtain the desirable feature of obtaining an accurate color display of the subject.

7. Claims 22- 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 18-21, further in view of Yomogizawa et al. (U.S. Patent No. 5,172,151).

Hamada et al. shows the claimed invention, as explained above in the rejections of claims 18-21, except for switching to display a still image of the recorded image. Yomogizawa et al. discloses the sensed image is continuously renewed, until the shutter release button is depressed to the second stage. The display is then shut off, the image is recorded on the film and at the same time the image sensor image at that time is written into the memory. After the shutter is closed, a read out pulse is sent to the memory sending the recorded still image to the display for a predetermined time period. See the paragraph bridging columns 1 and 2, column 8 lines 18-25, column 11 lines 42-61, column 12 lines 42-47, and step 14 in Fig. 7. Moving images are displayed as long as steps 2-7 in Fig.7 of Yomgizawa et al. are repeatedly executed. A still image of the recorded image is displayed for a predetermined time period as shown at step 14, when the flow diagram returns to repeatedly performing steps 2-7 again for the moving display. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention,

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to provide the camera of Hamada et al. with means to store an image sensor 44 image concurrently with the film exposure and to display the still stored image on the display for a predetermined time period in order to obtain the desirable feature of showing an image corresponding to the image stored on the film.

8. Claims 2,4,5,7,8,10,12,13,15,16,17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. (U.S. Patent No. 4,742,369) in view of Yomogizawa et al. (U.S. Patent No. 5,172,151) and Hamada et al. (U.S. Patent No. 5,270,767).

Ishii et al., in the first embodiment of Figs. 1-5, shows a camera by reference numeral 1; a first photo-taking portion that accommodates elements 13-20; a taking lens 3; a second photo-taking portion that accommodates elements 24-27; an image sensing device 25; a signal processor 33; a display image generated by display 14; and a mirror 16. Thus, Ishii et al. fully meets claims 1,2,5,9,10,13, except for the signal processor and image sensor outputting a signal of continuous frames before picture taking and switches to a single frame display of the recorded image upon image recording. The concurrent performance of both photo-taking operations (claims 4 and 12) is disclosed by Ishii et al. in the fourth embodiment of Figs. 9-12 and described in column 8 lines 47-55.

Ishii et al. in the fourth embodiment of Figs. 9-12, discloses a first CCD as element 65; a taking lens 3; a second CCD 25; a signal processor 33; a display 14; and a mirror 64. Thus, Ishii et al. fully meets claims 6-8, except for an image signal of continuous frames to generate a display of a moving picture preview and the display of the recorded image after image recording.

Ishii et al., in the first embodiment of Figs. 1-5, further discloses an image observation portion 11 and a mirror 16 as well as the first photo-taking portion accommodating the elements

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13-20 and the second photo-taking portion accommodating the elements 24-27. Thus, Ishii et al. fully meets claims 14-16, except for the aforementioned signal of continuous frames and the display of continuous images before image recording and a display of the recorded image after the recording.

Ishii et al. in Fig. 6 the second embodiment discloses a mirror 41 that meets claim 17, except for the display of continuous and still images.

Yomogizawa et al. discloses a hybrid camera having both film and electronic recording of the object. Column 4 lines 40-47 describes a moving image display mode for the electronic viewfinder and Fig. 3 discloses a processing circuit that permits display of the continuous image frames in the moving image mode or stored images from the memory 33. Yomogizawa et al. also discloses a still image mode of image recording. In this mode, the image is continuously renewed, until the shutter release button is depressed to the second stage. The display is then shut off, the image is recorded on the film and at the same time the image sensor image at that time is written into the memory. After the shutter is closed, a read out pulse is sent to the memory sending the recorded still image to the display for a predetermined time period. See the paragraph bridging columns 1 and 2, column 8 lines 18-25, column 11 lines 42-61, column 12 lines 42-47, and step 14 in Fig. 7.

Hamada et al. teaches the desirability of providing a camera that has an optical viewfinder 38, 39 shown in Fig 3A, with an electronic viewfinder 63 shown in Figs. 2A-2D. The electronic viewfinder or display 63 displays sequential images.

It would have been obvious to one of ordinary skill in the art to modify any one of the embodiments of Ishii et al. with a processing circuit, like that of Yomogizawa et al., that enables

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the LCD display device to display either continuous frames of images or the stored images and to implement the display 14 of Ishii et al. in a removable fashion, as shown by Hamada et al. in Figs. 2A-2D, in order to obtain the desirable feature of previewing the scene via the LCD display device 14 without having to look into the optical viewfinder and to provide the apparatus necessary to perform the functions of continuously displaying the images produced from the image sensor before the shutter release button reaches the second stage and then to display the still recorded image on the display for a predetermined time period, in order to obtain the desirable features of being able to compose the scene without looking in the optical viewfinder and to verify the recorded image.

Applicant's remarks that neither Ishii et al. nor Yomogizawa et al. teach the desirability of a camera having both a display of sequential subject images and an optical viewfinder, convinced the examiner to reconsider the rejection relying on just these two references. Hamada et al. in Figs. 2A-3A show this teaching was in the prior art at the time of applicant's invention. The examiner has revised the grounds of rejection to include reliance on the Hamada et al. reference.

9. Claims 3 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 9 above in paragraph 8, and further in view of acknowledged prior art.

Claims 3 and 11 are fully met by the references, as explained above, except for a white balance adjuster. Official Notice was taken in a previous Office action that white balance adjusters for image signal processors were well known at the time of applicant's invention. Applicants have not challenged this in the response filed July 28, 2004. Since there has been no

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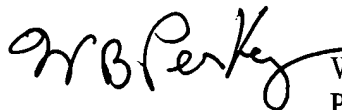
timely challenge to the subject matter that was taken Official Notice of, that subject matter is now considered as acknowledged prior art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the processor circuitry for the image sensing device of Ishii et al. with a white balance adjuster in order to obtain better quality images.

Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey
Primary Examiner
Art Unit 2851

WBP:wbp